



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MOSTAFA KHAIRY
Assistant Corporation Counsel
Phone: (212) 356-2105
Fax: (212) 356-3509
mkhairy@law.nyc.gov

October 14, 2022

BY ECF

Honorable Sarah L. Cave
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Paul Phillips v. City of New York, et al.,
21-CV-8149 (ALC) (SLC)

Your Honor:

I am the attorney in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendant City of New York in the above-referenced matter. The City writes: (1) in response to the Court's September 28, 2022 order; and (2) to request that the City's response to the forthcoming FAC be due sixty (60) days after it is filed by plaintiff. Plaintiff's counsel consents to the City's request as set forth herein.

By way of background, on September 28, 2022, a status conference was held wherein plaintiff's forthcoming motion to amend the Complaint was discussed. See Civil Docket Sheet, Entry No. 26. At that conference, Your Honor ordered plaintiff to file his motion to amend by September 30, 2022, and directed the City to respond to plaintiff's motion by October 14, 2022. Id. Plaintiff filed his motion to amend on September 28, 2022. See id. at Entry No. 28.

As a preliminary matter, the City writes to inform the Court that it consents to plaintiff's request to file the FAC.¹ Additionally, the City respectfully requests that its time to respond to the forthcoming FAC be extended until sixty (60) days after plaintiff files the FAC on the civil docket. The City makes the instant request as it is still investigating the claims contained in the FAC. Importantly, this matter was initially commenced as a single plaintiff

¹ The City respectfully submits that, notwithstanding its consent to the filing of the FAC, it does not waive any of its affirmative defenses.

(Paul Phillips) Section 1983 case in which plaintiff Paul Phillips was alleging, *inter alia*, claims for false arrest and excessive detention. See generally Compl. The FAC now includes an additional three (3) named plaintiffs and includes class-action Monell claims against the City of New York. As such, additional time is needed to: (1) obtain executed 160.50 releases for the three [3] new named plaintiffs to investigate their respective arrests;² and (2) further investigate the Monell class-based allegations.

As such, for the reasons set forth herein, the City consents to the filing of the FAC, and respectfully requests that its time to respond to the FAC be due sixty (60) days after the filing of the FAC on the civil docket.

The City thanks the Court for its time and attention to this matter.

Respectfully submitted,

Mostafa Khairy /s/
Mostafa Khairy
Assistant Corporation Counsel
Special Federal Litigation Division

cc: All Counsel (*by ECF*)

² On October 14, 2022, plaintiffs' counsel agreed to provide the City with executed C.P.L. § 160.50 releases for plaintiffs Khaori Wright, Randy Rosario, and Kylasyia Thompson.